

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

SAVANNAH COLLEGE OF ART  
AND DESIGN, INC.,

Plaintiff,

v.

PHILIPPE HOUEX,

Defendant.

CASE NO. C-1-02 490

Magistrate Judge Hogan

**PLAINTIFF'S UNOPPOSED MOTION TO AMEND FINAL PRETRIAL STATEMENT**

Plaintiff Savannah College of Art and Design, Inc. ("SCAD") respectfully moves the Court to allow it to amend the Final Pretrial Statement to add five additional exhibits, P-79 through P-83, to the list of Exhibits of Plaintiff set forth in Appendix F of the Final Pretrial Statement.

Defendant does not oppose this motion.

Copies of each of the additional exhibits are attached hereto at Tab A.

Exhibit P-79 contains additional color pages from the LIVEJOURNAL.COM web site.

Plaintiff had believed that these pages were already a part of existing exhibit P-55, but in preparing for trial, realized that they were not a part of that exhibit. These pages are from the LIVEJOURNAL.COM web site, which is one of the web sites that is linked to from Defendant's web site and they are publicly available on the internet.

Exhibits P-80 and P-81 are new documents that were just obtained by Plaintiff's counsel.

These are the current year's versions of mailers associated with the College's campus visitation day of which existing exhibit P-11 is the previous year's version.

Exhibits P-82 and P-83 are printouts from an internet bulletin board relating to an exchange between a prospective SCAD student and the Defendant. These printouts were only just located on the internet this weekend by Plaintiff's counsel as they were preparing for trial.

Accordingly, SCAD respectfully requests that the Court permit it to amend the list of Exhibits of Plaintiff, Appendix F of the Pretrial Statement, to add these exhibits. A copy of the proposed amended list of Exhibits of Plaintiff, Amended Appendix F to the Final Pretrial Statement, is attached hereto at Tab B.

Respectfully submitted this 4th day of October 2004.

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 4, 2004, a copy of the foregoing was filed electronically.

Notice of this filing will be sent to the following by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

John A. Rebel  
McKinney & Namei  
15 E. 8th St.  
Cincinnati, Ohio 45202

This 4th day of October 2004.

/s/ Stephen J. Butler